

1 joshuastampsple

2 LEONARDO M. RAPADAS
United States Attorney
3 FREDERICK A. BLACK
Assistant U.S. Attorney
4 Suite 500, Sirena Plaza
108 Hernan Cortez Avenue
5 Hagatna, Guam 96910
Telephone: (671) 472-7332/7283
6 Telecopier: (671) 472-7334

7 Attorneys for the United States of America

ORIGINAL
FILED

DISTRICT COURT OF GUAM

DEC 22 2005

MARY L.M. MORAN
CLERK OF COURT

FILED
DISTRICT COURT OF GUAM

DEC 20 2005

MARY L.M. MORAN
CLERK OF COURT

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8
9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE DISTRICT OF GUAM

11 UNITED STATES OF AMERICA,
12 Plaintiff,

13 vs.

14 JOSHUA D. STAMPS,
15 Defendant.

CRIMINAL CASE NO. 05-00089

Amended *my*
PLEA AGREEMENT

17 Pursuant to Rule 11(c)(1)(B), the United States and the defendant, JOSHUA D.
18 STAMPS, enter into the following plea agreement:

19 1. The defendant agrees to waive indictment and plead guilty to an Information charging
20 him with Importation of Methandrosterone (anabolic steroids), in violation of Title 21, United
21 States Code, §§ 952(a) and 960.

22 2(a) The defendant, JOSHUA D. STAMPS, further agrees to fully and truthfully
23 cooperate with law enforcement agents concerning their investigation of the importation of
24 anabolic steroids and other related offenses. Cooperation shall include providing all information
25 known to defendant regarding any criminal activity, including but not limited to the offense to
26 which he is pleading guilty. Cooperation will also include complying with all reasonable
27 instructions from the United States; submitting to interviews by investigators and attorneys at
28 such reasonable times and places to be determined by counsel for the United States; producing to

1 the United States all non-privileged documents (including claimed personal documents) and
2 other materials in the possession, custody or control of defendant requested by attorneys and
3 agents of the United States; and testifying fully and truthfully before any grand juries, hearings,
4 trials or any other proceedings where defendant's testimony is deemed by the United States to be
5 relevant. Defendant understands that such cooperation shall be provided to any state, territorial,
6 local, military or federal law enforcement agencies designated by counsel for the United States.
7 Further, it is understood and agreed that defendant shall not directly, indirectly, or intentionally
8 disclose anything defendant knows or had done concerning the United States' investigation to
9 anyone other than defendant's attorney. Defendant agrees to take no steps directly or indirectly
10 to warn any subject of this investigation that defendant, a subject or anyone else is being
11 investigated.

12 2(b) The United States will make this cooperation known to the Court prior to the
13 defendant's sentencing. The defendant further understands that he remains liable and subject to
14 prosecution for any criminal schemes of which he does not fully advise the United States, or for
15 any material omissions in this regard.

16 2(c) This agreement is not contingent in any way upon the outcome of any investigation,
17 proceeding or subsequent trial. Thus, none of the rights and obligations described above are in
18 any way dependent upon a grand jury returning an indictment, a jury's verdict at any trial, or the
19 success of any prosecution.

20 2(d) Except as otherwise herein provided, and in particular in Paragraph 11, the United
21 States agrees not to prosecute defendant for any other non-violent offenses which were
22 committed in the District of Guam or the Northern Mariana Islands (CNMI) which defendant
23 reveals to Federal authorities during his cooperation with the United States. This agreement is
24 limited to crimes committed by defendant in the districts of Guam or the CNMI.

25 2(e) The United States further agrees not to prosecute the defendant in any Courts Martial
26 convened by Commander, Navy Region Marianas, for acts which serve as the basis for this plea
27 agreement. The defendant understands and agrees that nothing herein shall limit the right of the
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1 United States Department of Defense to institute administrative action against the defendant for
2 acts which serve as the basis for this plea agreement.

3 3. The defendant, JOSHUA D. STAMPS, understands and agrees that any and all assets
4 or portions thereof acquired or obtained by him as a direct or indirect result of his drug
5 trafficking shall be surrendered to the United States or any lawful agency as may be directed by
6 the Court.

7 4. The defendant, JOSHUA D. STAMPS, further agrees to submit to a polygraph
8 examination by any qualified Federal polygraph examiner. The defendant understands that such
9 polygraph examinations may include, but will not be limited to, his knowledge of or involvement
10 in the importation of anabolic steroids and his knowledge of other person's involvement in such
11 activities. Defendant understands that the government will rely on the polygraph in assessing
12 whether he has been fully truthful.

13 5(a) The defendant, JOSHUA D. STAMPS, understands that the maximum sentence for
14 Importation of Methadrostelone (anabolic steroids) in any quantity is a term of 5 years
15 imprisonment, a \$250,000 fine, and a \$100 special assessment fee, which must be paid at the
16 time of sentencing. Any sentence imposed may include a term of not ~~more~~ ^{less} than two (2) years
17 supervised release in addition to such terms of imprisonment. Defendant understands that if he
18 violates a condition of supervised release at any time prior to the expiration of such term, the
19 court may revoke the term of supervised release and sentence him up to an additional ~~five (5)~~ ^{two (2)}
20 years of incarceration pursuant to 18 U.S.C. § 3583(e)(3).

21 5(b) If defendant cooperates as set forth in Paragraphs 2, 3, and 4 the government will
22 recommend that defendant receive the minimum term of incarceration recommended by the
23 Sentencing Guidelines.

24 5(c) If the United States believes the defendant has provided "substantial assistance" as
25 defined by Sentencing Guidelines 5K1.1, the United States will request the court to depart below
26 the statutory minimum pursuant to Title 18, United States Code, § 3553(e), and pursuant to
27 sentencing Guidelines 5K1.1, below the applicable guidelines range when fixing a sentence for
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1 defendant and may, within one year after sentencing herein, move the court to order relief
2 pursuant to Rule 35, Rules of Criminal Procedure to whatever guideline range or sentence of
3 incarceration the United States in its sole discretion deems appropriate. Defendant acknowledges
4 that the United States has made no promise, implied or otherwise, that defendant will be granted
5 a departure for substantial assistance. Defendant further acknowledges that no promise of any
6 kind has been made that a motion requesting such departure will be made except as otherwise
7 provided herein.

8 The United States agrees to consider the totality of the circumstances, including but not
9 limited to the following factors, in determining whether, in the assessment of the U. S. Attorney,
10 defendant has provided substantial assistance which would merit a government request for a
11 downward departure from the mandatory statutory minimum or the applicable Guidelines
12 sentencing range:

13 (1) the United States' evaluation of the significance and usefulness of any assis-
14 tance rendered by defendant;

15 (2) the truthfulness, completeness, and reliability of any information or testimony
16 provided by defendant;

17 (3) the nature and extent of defendant's assistance;

18 (4) any injuries suffered or any danger or risk of injury to defendant or defendant's
19 family resulting from any assistance provided by defendant; and

20 (5) the timeliness of any assistance provided by defendant.

21 It is understood that even if a motion for departure is made by the United States, based
22 upon defendant's perceived substantial assistance, the final decision as to how much, if any,
23 reduction in sentence is warranted because of that assistance, rests solely with the District Court.

24 5(d) The government will recommend a fine within the Sentencing Guidelines range. If
25 defendant is financially unable to immediately pay the fine in full, defendant agrees to make a
26 full disclosure of his financial status to the United States Attorney's Office by completing a
27 Financial Disclosure Form (OBD-500) for purpose of fixing a monthly payment schedule.
28 Defendant understands that, by law, interest accrues on any remaining balance of the debt.

6. The defendant understands that to establish a violation of Importation of

1 Methandrosterone (anabolic steroids) as charged pursuant to 21 U.S.C. § 952, the government
2 must prove each of the following elements beyond a reasonable doubt:

3 First: that the defendant knowingly brought approximately 175 tablets of
4 methandrosterone, also known as Dianabol, into the United States; and

5 Second: the defendant knew that the substance he was importing was
6 methandrosterone or some other prohibited drug.

7 7. The defendant agrees that the Sentencing Guidelines apply to this offense. The
8 defendant also understands that the facts he stipulates to herein will be used, pursuant to 1B1.2,
9 in calculating the applicable guidelines level. The Government and the defendant stipulate to the
10 following facts for purposes of the Sentencing Guidelines:

11 (a) The defendant was born in 1985, and is a citizen of the United States.

12 (b) If the defendant cooperates with the United States by providing information
13 concerning the unlawful activities of others, the government agrees that any self-incriminating
14 information so provided will not be used against defendant in assessing his punishment, and
15 therefore, pursuant to § 1B1.3 of the Sentencing Guidelines, this information should not be used
16 in determining the applicable guidelines range.

17 (c) On or about August, 2005, the defendant, JOSHUA D. STAMPS, placed an order
18 over the internet through a website called EUROBOLIC.COM for approximately 175 tablets of
19 Dianabol, a Schedule III Controlled Substance. He paid for the order using his credit card for
20 \$75.00. The defendant had the order shipped in his name to a friend's address of 10 Kelp Lane,
21 Santa Rita Guam, located on board Naval Base Guam. Approximately 3-4 weeks later, the
22 parcel, bearing a Russian customs declaration and bearing a return address of 13 Khazova Street,
23 Apartment 258, St. Petersburg, Russia, 196605, arrived on Guam where it was intercepted by
24 U.S. Customs and the U.S. Postal Service. The package contained approximately 175 tablets,
25 which were later determined to be methandrosterone, or Dianabol, which were hidden inside of
26 an empty plastic VHS video box.

27 (d) The defendant understands that notwithstanding any agreement of the parties, the
28 United States Probation Office will make an independent application of the Sentencing

1 Guidelines. The defendant acknowledges that should there be discrepancies in the final

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3 sentencing guidelines range projected by his counsel or any other person, such discrepancies are
4 not a basis to withdraw his guilty plea.

5 (e) The government agrees that the defendant has assisted authorities in the investigation
6 and prosecution of his own misconduct by timely notifying authorities of his intention to enter a
7 plea of guilty, thereby permitting the government to avoid preparing for trial and the government
8 and the Court to allocate their resources efficiently, and that in the event the defendant qualifies
9 for a decrease under U.S.S.G. § 3E1.1(a), the government will move the Court to decrease the
10 offense level by one (1) additional level under U.S.S.G. § 3E1.1(b).

11 8. The defendant understands that this plea agreement depends on the fullness and
12 truthfulness of his cooperation. Therefore, defendant understands and agrees that if he should
13 fail to fulfill completely each and every one of his obligations under this plea agreement, or make
14 material omissions or intentional misstatements or engage in criminal conduct after the entry of
15 his plea agreement and before sentencing, the government will be free from its obligations under
16 the plea agreement. Thus defendant, in addition to standing guilty of the matters to which he has
17 pled pursuant to this agreement, shall also be fully subject to criminal prosecution for other
18 crimes, and for the counts which were to be dismissed. In any such prosecution, the prosecuting
19 authorities, whether Federal, State, or Local, shall be free to use against him, without limitation,
20 any and all information, in whatever form, that he has provided pursuant to this plea agreement
21 or otherwise; defendant shall not assert any claim under the United States Constitution, any
22 statute, Rule 11(f) of the Federal Rules of Criminal Procedure, Rule 410 of the Federal Rules of
23 Evidence, or any other provision of law, to attempt to bar such use of the information.

24 9. Defendant understands that whether he has completely fulfilled all of the obligations
25 under this agreement shall be determined by the court in an appropriate proceeding at which any
26 disclosures and documents provided by defendant shall be admissible and at which the United
27 States shall be required to establish any breach by a preponderance of the evidence. In
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1 determining whether there has been a breach, the parties agree that any polygraph results and the
2 polygrapher's conclusions and opinions shall be admissible.

3 10. The defendant understands that his sentencing may be continued, at the sole
4 discretion of the United States, until after the indictment and trial of any associates involved.
5 This will also enable the Court to see the full degree of the defendant's cooperation. The
6 defendant therefore waives any right he may have to any speedy sentencing and hereby agrees to
7 any continuance of his sentencing date as it may become necessary.

8 11. In exchange for the government's concessions in this plea agreement, the defendant
9 waives any right to appeal or to collaterally attack this conviction but reserves the right to appeal
10 the sentence imposed in this case. The defendant understands and agrees that the government
11 has bargained for a criminal conviction arising from his criminal conduct. If at any time
12 defendant's guilty plea or conviction is rejected, withdrawn, vacated or reversed, for whatever
13 reason, or is rendered invalid for any reason, or if any change of law renders the conduct for
14 which he was convicted to be non-criminal, defendant agrees that he will enter a guilty plea to
15 another charge encompassing the same or similar conduct. In such event, defendant waives any
16 objections, motions or defenses based upon the Statute of Limitations, Speedy Trial Act, or
17 constitutional restrictions as to the time of bringing such charges.

18 12. The defendant acknowledges that he has been advised of his rights as set forth below
19 prior to entering into this plea agreement. Specifically, defendant has been fully advised of, has
20 had sufficient opportunity to reflect upon, and understands the following:

21 (a) The nature and elements of the charge and the mandatory minimum penalty provided
22 by law, if any, and the maximum possible penalty provided by law;

23 (b) His right to be represented by an attorney;

24 (c) His right to plead not guilty and the right to be tried by a jury and at that trial, the
25 right to be represented by counsel, the right to confront and cross-examine witnesses against him,
26 and the right not to be compelled to incriminate himself, that is, the right not to testify;

27 (d) That if he pleads guilty, there will not be a further trial of any kind on the charges to
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1 which such plea is entered so that by entering into this plea agreement, he waives, that is, gives
2 up, the right to a trial;


3 (e) Because this plea is entered pursuant to Federal Rule of Criminal Procedure
4 11(c)(1)(B), the defendant understands that he may not withdraw his guilty plea even if the court
5 does not accept the sentencing recommendations of the government or his counsel;

6 (f) That, upon entry of a plea of guilty, or thereafter, the Court may ask him questions
7 about the offenses to which he has pled, under oath, and that if he answers these questions under
8 oath, on the record, his answers may later be used against him in prosecution for perjury or false
9 statement if an answer is untrue;

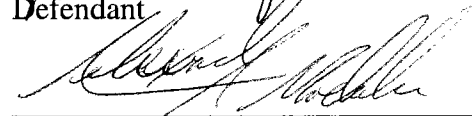
10 (g) That he agrees that the plea agreement is voluntary and not a result of any force,
11 threats or promises apart from this plea agreement;

12 (h) The defendant is satisfied with the representation of his lawyer and feels that his
13 lawyer has done everything possible for his defense.

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15 DATED: 12/19/2005

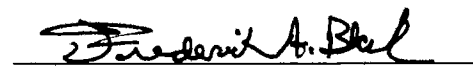

JOSHUA D. STAMPS
Defendant

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17 DATED: 12/19/05



JOHN GORMAN
Attorney for Defendant

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19
20 LEONARDO M. RAPADAS
21 United States Attorney
22 Districts of Guam and NMI

23 DATED: 12-19-05

24 By: 
FREDERICK A. BLACK
25 Assistant U.S. Attorney

26 DATED: 12/20/05

27 
RUSSELL C. STODDARD
28 First Assistant U.S. Attorney